

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CEMCO LLC,

CASE NO. C23-0918JLR

Plaintiff,

ORDER

V.

KPSI INNOVATIONS, INC et al.,

Defendant.

Before the court is Plaintiff CEMCO LLC’s (“CEMCO”) *ex parte* motion for a

one-week extension to file a second amended complaint. (Mot. (Dkt. # 49).) Defendants KPSI Innovations, Inc., James Klein, Serina Klein, and Kevin Klein (collectively, “Defendants”) declined to stipulate to the extension. (*See id.* at 1.) The court has considered CEMCO’s submission, the relevant portions of the record, and the governing law. Being fully advised, the court GRANTS CEMCO’s motion.

“District courts have broad discretion in managing their dockets and enforcing their scheduling orders.” *Saroyan Lumber Co. v. El & El Wood Prods. Corp.*, 126 F.

1 App'x 371, 372 (9th Cir. 2005). Federal Rule of Civil Procedure 6(b) provides that the
2 court may, for good cause, grant extensions of time “with or without motion or notice . . .
3 if a request is made[] before the original time or its extension expires.” Fed. R. Civ. P.
4 6(b). This rule “[is] to be liberally construed to effectuate the general purpose of seeing
5 that cases are tried on the merits.” *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253,
6 1259 (9th Cir. 2010) (quoting *Rodgers v. Watt*, 722 F.2d 456, 459 (9th Cir. 1983)).
7 “Consequently, requests for extensions of time made before the applicable deadline has
8 passed should ‘normally . . . be granted in the absence of bad faith or prejudice to the
9 adverse party.’” *Id.* (quoting 4B Charles Alan Wright & Arthur R. Miller, *Federal
10 Practice and Procedure* § 1165 (3d ed. 2004)).

11 Here, the good cause standard applies because CEMCO filed its motion before the
12 deadline to file its second amended complaint passed. The court concludes that CEMCO
13 has shown good cause to grant the requested extension. CEMCO provided notice of this
14 action to third-party Clarkwestern Dietrich Buildings Systems LLC (“ClarkDietrich”) on
15 November 1, 2023, the day after the court granted in part Defendants’ motion to dismiss.
16 (See generally Order (Dkt. ## 46 (sealed), 48 (redacted)).) Counsel for ClarkDietrich
17 responded on November 8, 2023 “indicating that ClarkDietrich needed additional time to
18 consider the terms and conditions on which [it] might join the case.” (Trojan Decl. (Dkt.
19 # 50) ¶ 2.) CEMCO asked Defendants to stipulate to an extension of time on November
20 10, 2023, but they declined to do so. (See *id.* ¶ 4.) The court finds that CEMCO has not
21 acted in bad faith and that granting the motion will not result in undue prejudice to
22 Defendants. For the foregoing reasons, the court GRANTS CEMCO’s motion for a

1 one-week extension to file a second amended complaint (Dkt. # 49). CEMCO may file a
2 second amended complaint by no later than **November 20, 2023**.

3 Dated this 13th day of November, 2023.

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5 JAMES L. ROBART
6 United States District Judge
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